



AWBD New
Director Workshop:
DIRECTORS - 101

ASSOCIATION OF WATER BOARD DIRECTORS - TX: **WATER DISTRICT MEETINGS & COMMUNICATIONS 101**



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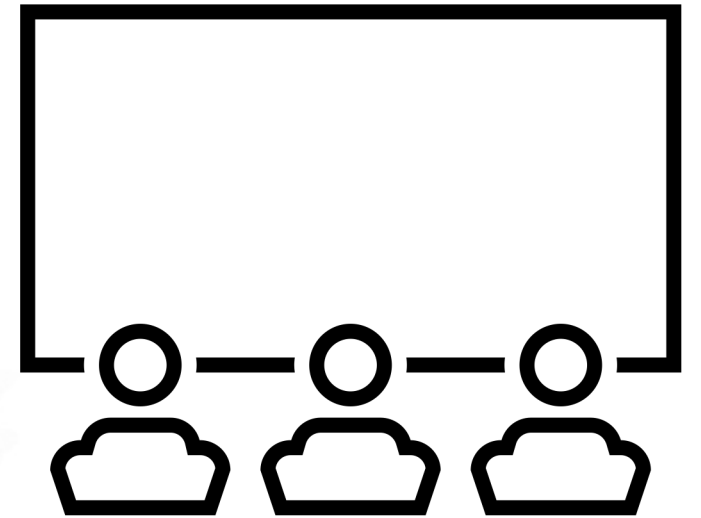
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OVERVIEW

- TEXAS OPEN MEETINGS ACT (TOMA)
- TEXAS PUBLIC INFORMATION ACT (TPIA)
- OTHER COMMUNICATIONS CONSIDERATIONS



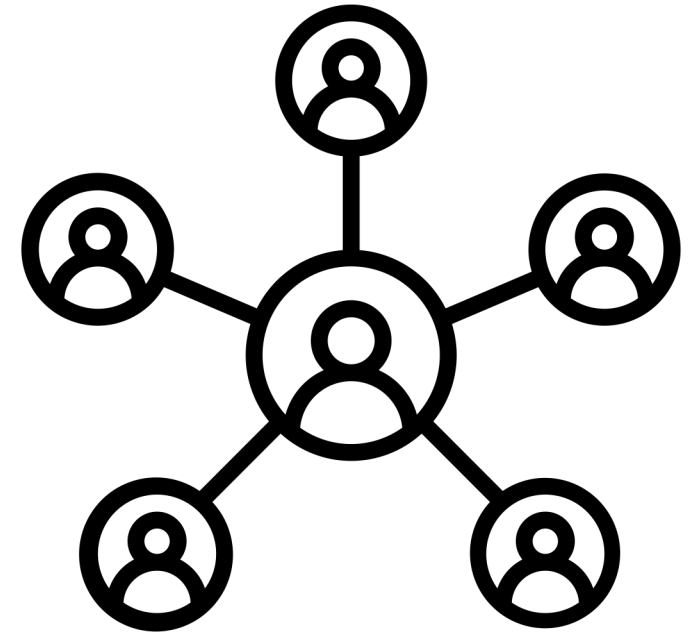
TOMA: OVERVIEW

- WHEN DOES TOMA APPLY?
- WHEN DOES TOMA **NOT** APPLY?
- WHAT'S A MEETING?
- WHERE CAN YOU MEET?
- WHAT NOTICE IS NEEDED TO HOLD A MEETING?
- WHAT HAPPENS IF YOU VIOLATE TOMA?
- MORE RESOURCES (TOMA IS COMPLICATED)



TOMA: WHEN DOES TOMA APPLY?

- TOMA GENERALLY APPLIES WHEN:
 - A QUORUM OF A GOVERNMENTAL BODY IS PRESENT AND
 - DISCUSSES PUBLIC BUSINESS OR
 - RECEIVES OR PROVIDES PUBLIC BUSINESS-RELATED INFORMATION FROM/TO A THIRD PARTY



TOMA: WHEN DOES TOMA NOT APPLY?

- TOMA DOES NOT GENERALLY APPLY TO:
 - SOCIAL GATHERINGS OR FORUMS (INCLUDING DEBATES); AND
 - PUBLIC ANNOUNCEMENTS AND EVENTS;
 - *AS LONG AS* NO PUBLIC BUSINESS IS DISCUSSED OR THE DISCUSSION IS UNINTENTIONAL AND INCIDENTAL.
 - MEETINGS OF LESS THAN A QUORUM (NON-ATTENDEES CANNOT VOTE, BUT AVOID A WALKING QUORUM).

WALKING QUORUM



WALKING QUORUM

The Dallas Morning News

NEWS › EDUCATION

Two Southlake Carroll school trustees indicted on charges of violating Texas Open Meetings Act

The trustees have been at the center of a fight over diversity and inclusion in the district



Carroll ISD Board president Michelle Moore and vice president Todd Carlton were indicted in Tarrant County and are accused of deliberating outside of an authorized meeting. (Tom Fox / Staff Photographer)

TOMA: WHAT'S A MEETING?

- UNDER TOMA, A MEETING IS BROADLY DEFINED AS:
 - A DELIBERATION INVOLVING A QUORUM (MAJORITY OF THE BOARD) WHERE PUBLIC BUSINESS IS DISCUSSED, FORMAL ACTION TAKEN, OR PUBLIC BUSINESS-RELATED INFORMATION IS RECEIVED OR PROVIDED [TEXAS GOVERNMENT CODE §551.001(4)]; [Tex. Gov't Code §551.001(6) (defining “quorum”)];

TOMA: Where Can You Meet?

- ❖ TOMA requires a governmental body to hold all meetings in public, in an accessible location [Texas Government Code §551.002 (abbreviated Tex. Gov't Code §551.002)].
- ❖ Often at the District's Office (see HB 1154 (87th RS)).
- ❖ NOTE: All open meeting requirements will resume on September 1, 2021—ending “virtual meetings” allowed during the pandemic. Consultants can still attend via phone or platform like Zoom or MS Teams.

Where is the District's Office?

- ❖ **District Administration Building**
- ❖ **Attorney's Office**

TOMA Notices: Before You Meet

- TOMA require
 - posting of written notice 72 hours before meeting (exceptions for emergencies);
 - Written notice must
 - Contain the date, hour, and meeting place;
 - adequately describe the public business to be discussed; and
 - Provide notice of closed sessions.

TOMA: Violations & Penalties

What happens if a director violates TOMA?

- Possible fines between \$100 and \$500, and/or,
- Confinement in jail from 1 to 6 months.

TOMA: More Resources

- **TOMA includes much, much more.**
 - Ask your general counsel.
 - Texas Attorney General ([Online Training](#)).
 - Texas Municipal League: [TOMA Made Easy](#).

Texas Public Information Act (TPIA)

- **What is Public Information?**
- **What is Not Public Information?**
- **What Right Does the Public Have to the Information?**
- **What Directors Should Consider When Communicating?**
- **More Resources (TPIA is Complicated)**

TPIA: What is Public Information?

- “Public information” under TPIA means information that is written, produced, collected, assembled, or maintained in connection with the transaction of official business for a governmental body if the body:
 - owns the information;
 - has a right of access to the information; or
 - spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information.

TPIA: What is Public Information?

- If you write it OR receive it and it is about your district, it's likely your district's public information!
- This can include
 - social media posts;
 - texts;
 - photos; and
 - much, much more.

TPIA: What is Not Public Information?

Public Information does not include

- Confidential information (personal; mandatory)
- Privileged information (institutional; permissive)

Most district information is public—ask an attorney.

TPIA: What Right Does the Public Have?

- Request public information under TPIA (very broad).
- Prompt response and delivery of responsive your district's public information (generally 10-day deadline).
- If you use private email to conduct public business, the public has a right to that email.
- The Texas Attorney General has the final say over what is public under TPIA.

TPIA: What Should Directors Consider?

- Ask yourself: should I put this in writing (Would I want see this on CNN)?
- Avoid using personal email or social media to discuss public business.
- Manage your email (TPIA review can take hours; your district pays, which may cost \$\$\$).
- Segregate information likely to contain confidential information
- If you receive a TPIA requests OR that hints at a request, forward it to your general counsel *immediately*; or
- EVEN BETTER: follow your district's TPIA plan.

TPIA: Other Resources

- TPIA can get complicated, expensive, and intrusive.
- Ask your general counsel!
- Texas Attorney General: [TPIA Handbook](#)
- Texas Municipal League: [TPIA Made Easy](#)

Communications

Getting Started

Blue Sky / Gray Sky Communications

Recent Legislation

WHY SHOULD YOU ENGAGE YOUR RESIDENTS?

Transparency in

Government;
Regulatory

Access to

Important Services

Fostering a
Knowledgeable
Community

Delivering Factual
Information During
Emergencies

Elections

It's the Right Thing
To Do!

GETTING STARTED



Establish a Communications Committee

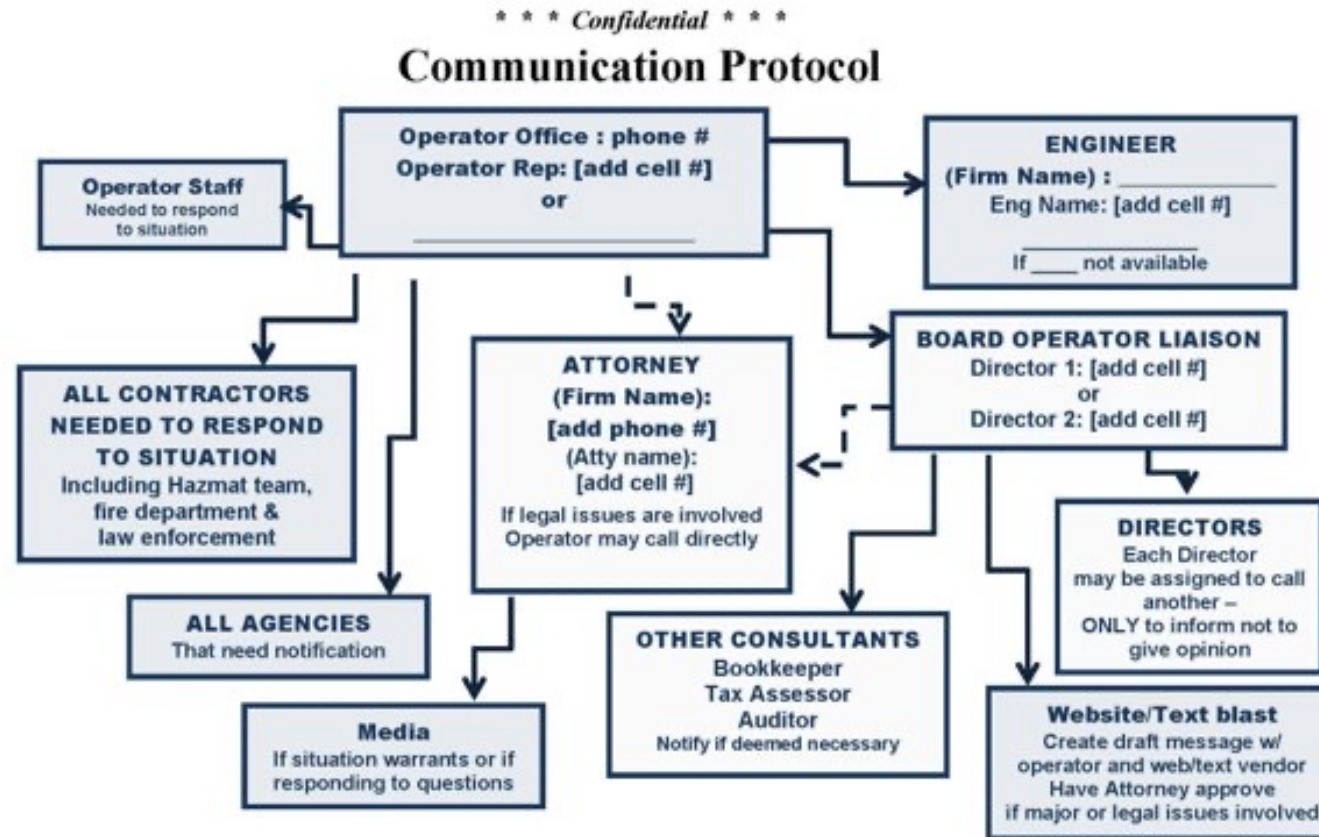


Decide on a spokesperson for your District



Create the Communication Plan

Communications Plan: Ask Your Attorney.



The goal of the Communication Protocol is to ensure everyone is kept informed during an emergency event and to allow the operator to spend time solving the problem instead of spending an excessive amount of time on the phone.

Communications can be via phone, email or in person. It is important to receive confirmation that the message was received.

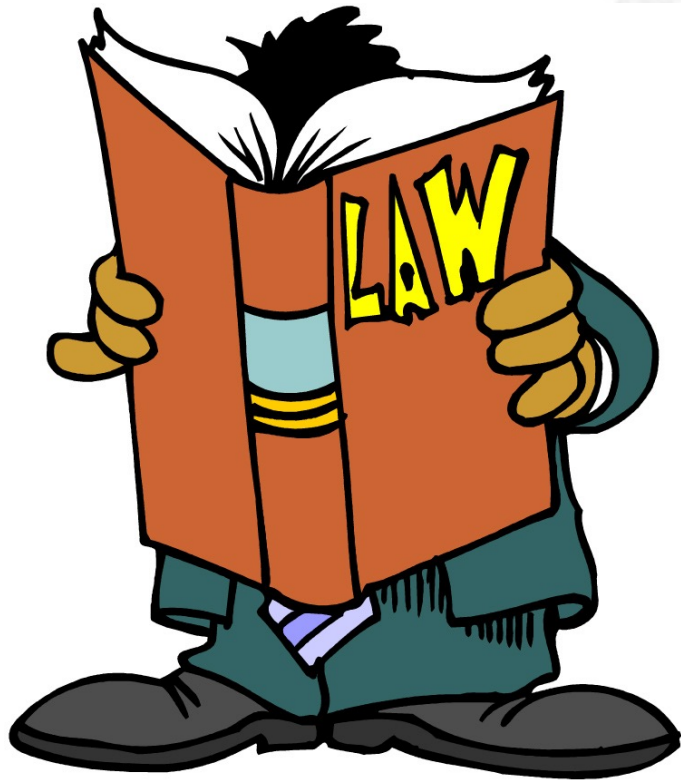
Communication may be delegated at any time as the need requires. It is recommended that everyone document communication with both the time and content.

EMERGENCY CONTACT NUMBER CALL LIST

CONFIDENTIAL

CREATE YOUR COMMUNICATION PLAN

* INCLUDE YOUR LEGAL COUNSEL AND OPERATOR



BLUE SKY COMMUNICATIONS

Website

FAQ

Newsletters

Postcards

eBlasts

Press Releases

Social Media

Willow Fork Drainage District
Wants You to Know... Potentially Flood Producing Rainfall is Increasing in Frequency



The Greater Houston area has experienced four storms exceeding 500-year flood events since 2015, including 2017's Hurricane Harvey, which brought historic levels of rainfall over four successive days. With rainfall volume and frequency increasing year round, not just in hurricane season, having flood insurance can be the difference between recovery and devastating loss. Don't let your hard work be washed away—protect your home and belongings from flood damage. The numbers speak for themselves.

- \$25,000** The amount of property damage that one inch of water can cause.
- \$50** The average monthly cost of a National Flood Insurance Program (NFIP) policy in the Greater Houston area.
- 30** The number of days it takes for flood insurance to go into effect.
- 100%** Properties in WFDD eligible for a NFIP policy.

Secure your home with flood insurance today.
Visit FloodSmart.gov or call 800-427-4661 to learn more about flood insurance.

WFDD



GRAY SKY COMMUNICATIONS

Accurate, Timely,
Factual

Communication
Protocol

Pre-established
Emergency
Messaging
Templates

Text Alerts

Website

Social Media

Sign up for



TEXT ALERTS

Recent Legislation on District Communications

- **HB 1154 (Jetton):** Districts with over 5,000 residents must post detailed district information on the internet (effective 9/1/2021).
- **HB 872 (Bernal):** Customer Billing Information **MUST** be kept confidential unless customers request information is disclosed (effective 9/1/2021).



AGENDA

1. WELCOME
2. WATER DISTRICT CREATION
3. COFFEE BREAK
4. WATER DISTRICT OPERATION & ADMINISTRATION
5. BREAK
6. WATER DISTRICT FINANCE & TAXATION
7. LUNCH SERVICE
8. WATER DISTRICT ETHICS
9. WATER DISTRICT MEETINGS & COMMUNICATIONS
10. BREAK
11. WATER DISTRICT INNOVATION

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